HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.8793 of 2006

Dated 31st JULY 2006

Between:
G Nagesh S/o late Agamaiah, 40 years
H.No.11-9/2, Annapurna Colony, Uppal
Uppal mandal, R R District

… Petitioner

And:

Commissioner, Uppal Kalan, Uppal, R R District &
2 others.

… Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.8793 of 2006

ORDER:

Heard the learned counsel for the petitioner, learned Standing Counsel representing 1st respondent Sri Polisetti Radhakrishna and learned counsel representing 2nd respondent Sri T.Niranjan Reddy.

2. Sri T.Niranjan Reddy, states that already the officials of the 2nd respondent visited the subject matter of the writ petition and found certain deviations and communicated the same to the 1st respondent. The Standing Counsel for the 1st respondent would submit that if any deviations are there, appropriate action would be taken according to law. But however, the said representation can be considered and disposed of only after putting notice on the 3rd respondent also.

3.The learned Standing Counsel representing 2nd respondent had placed before this Court the para-wise remarks, wherein in para 7 it was stated that the petitioner gave made representations on 29.8.2005 and 6.9.2005, immediately this office had examined the case and pointed out the 3rd respondent has violated the set backs, F.S.I. and coverage and Tot-Lot is converted into flats and the same has intimated to the 1st respondent on 9.11.2005 and to take action about the against sanctioned building and to respond to this office the

action taken.

4. The writ petition is filed to issue writ of Mandamus, or appropriate writ, order or direction declaring the inaction of the respondents 1 and 2 in not taking any action against 3rd respondent's illegal construction in premises bearing Plot Nos.11, 12, 25 & 26 in Sy.No.735, Annapurna Cooperative Housing Society Ltd., Uppal Kalan village & Municipality, Ranga Reddy district, as illegal and arbitrary and further direct the respondents 1 and 2 to immediately demolish the illegal construction being made by 3rd respondent contrary to the sanction plan vide permit No.RR/399/2004 dated 16.12.2004 and pass such other suitable orders.

5. It is stated in the affidavit filed in support of the writ petition that the writ petitioner made representations to the 1st respondent on 29.8.2005 and on 6.9.2005 and also to the Vice Chairman, HUDA-2nd respondent on 29.8.2005. Apart from the same, the petitioner had also made a representation to the Station House Officer, Uppal Police Station on 21.9.2005. Several other factual details had been narrated in the affidavit.

6. The grievance of the petitioner is that in spite of these representations, no action had been initiated either by 1st respondent or 2nd respondent. As already referred to supra, it appears that the officials of 2nd respondent had already inspected the subject matter and had reported the deviations to the 1st respondent. In the facts and circumstances of the case, the writ petition is disposed of with the following direction.

7. The 1st respondent to consider the aforesaid representations in accordance with law and take appropriate action after putting the

petitioner and also 3rd respondent on notice within a period of Six (6) weeks from the date of receipt of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

P.S. NARAYANA, J

Dated: 31st JULY 2006

BSS/MDAA